

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SPRINTCOM, INC. FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A PERSONAL COMMUNICATIONS)	CASE NO. 98-001
SERVICES FACILITY IN THE CINCINNATI MAJOR)	
TRADING AREA [LODER CREEK FACILITY])	

O R D E R

On November 20, 1998, the Commission issued its Order in this case upon the application of SprintCom, Inc. ("SprintCom") for a certificate of public convenience and necessity to construct a personal communications service facility in the Cincinnati MTA located at 255 North Bend Road, Hebron, Boone County, Kentucky ("the Loder Creek site"). The Commission, in its Order, made it clear that it found persuasive the concerns of nearby residents and property owners who testified. The evidence of record did not convince the Commission that SprintCom had expended appropriate time and care in choosing a location for the proposed facility or that it had made sufficient attempts to collocate the facility. Accordingly, the Commission found that public convenience and necessity did not require the granting of the certificate. The Commission ordered SprintCom to investigate alternative locations for the Loder Creek site.

On December 4, 1998, SprintCom filed a petition for rehearing pursuant to KRS 278.400 and/or for clarification of the November 20th Order and stated that it is uncertain whether the Commission has retained jurisdiction over this matter in providing

SprintCom may seek other locations for the site. SprintCom also contends that the Commission has violated both state and federal law in its Order and that the decision is not supported by sufficient evidence. SprintCom requests rehearing on the matter to further consider the efforts it made to obtain a suitable site and to collocate.

The Commission Order does not deny the petition of SprintCom but directs that SprintCom continue to seek other locations for its Loder Creek site. Before the Commission can render a decision on this petition or any petition for a PCS facility there must be evidence of the utility's having sought reasonably available suitable locations so that it can reasonably demonstrate that there is not a more suitable site than the one selected. Further, the utility must demonstrate there is no reasonably available opportunity to collocate. The Commission finds that the Order of November 20, 1998 should be modified to the extent that SprintCom should appear before the Commission and present evidence as to its attempts to locate within the Cinergy transmission line area. SprintCom should specify any and all towers within the search ring on which it has attempted to collocate. SprintCom should do a complete analysis of the collocation opportunities on the Cinergy towers which are within its search ring. The analysis would include any attempt, past or present, to gain access thorough property owners to the Cinergy transmission line area. SprintCom shall submit its cost analysis for the Baxter Road improvement. SprintCom shall submit any legal opinion it may have as to the extent of use provided by the Baxter Road easement.

IT IS THEREFORE ORDERED that:

1. SprintCom shall prepare and submit to the Commission on or before sixty (60) days from the date of this Order a detailed analysis of its efforts to determine if the

Cinergy towers are or are not suitable for site location and any attempts to collocate or locate within the Cinergy transmission area.

2. SprintCom shall submit to the Commission any towers considered within its search ring for this site.

3. Any evidence of SprintCom's attempt, both past and present, to gain access to the Cinergy towers or transmission line area over the property of any adjoining property owner.

4. A detailed cost analysis of the Baxter Road improvement and any legal opinion that SprintCom may have concerning the nature of and uses permitted over the Baxter Road easement.

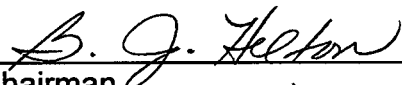
5. The documents specified herein shall be filed along with the identity of the individual who is prepared to testify. This information may be filed as prefiled testimony but the individual so testifying shall be available for cross-examination by any party.

6. SprintCom shall file the requested information as set out above on or before sixty (60) days from the date of this Order with a copy to all parties of record. Any party of record may file comments within fifteen (15) days of the filing.

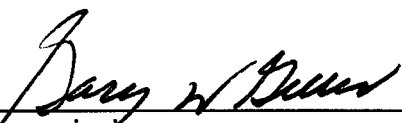
7. A hearing on the limited issue of the efforts of SprintCom to determine the suitability of and to collocate on the Cinergy towers within the search ring for the Loder Creek site shall be held on March 1, 1999 at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 23rd day of December, 1998.

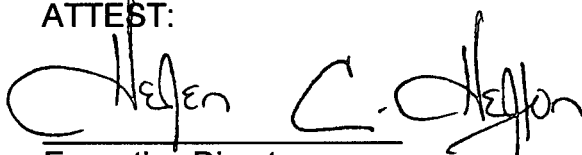
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director